

REMARKS/ARGUMENTS

Introductory Section

Applicants thank the Examiner for withdrawing the finality of the rejection but respectfully maintain that there is no incentive to combine Storm with Yu or other references.

Although it was noted in the last Office Action, "Storm discloses several times that after coming out of sleep mode, the timing isn't accurate enough and it needs to be reacquired (Fig. 3B, element 344; column 1, lines 39 – 41, 54 – 59)", closer inspection of Col. 1 shows that it refers to "Background of the Invention" and prior practices known to Storm, but that is not what Storm himself uses. Also, the element 344 cited by the Examiner is mentioned only once in Storm to indicate a so-called "reacquisition" step. Whereas, the body of Storm's invention, Claim 17, Col. 5 last lines, Col. 6 second paragraph, all indicate the "reference timer expires substantially synchronously with a next received system timing indicator". Moreover, the important Abstract states "The radiotelephone then exits the low power sleep mode synchronized with system timing." Therefore, Storm teaches away from using techniques such as "adjusting for frequency drift" that the Examiner cited from Yu because Storm considers his method "substantially synchronized" already. Further, Storm states Col. 10 L. 44 "At the end of the sleep mode, local timing is precisely aligned with system timing". The word "precisely" is so strong that there is no incentive for Storm to have extra circuitry and algorithms to implement drift adjustment, for example. So there is no incentive to combine Storm with Yu or any other reference.

Claim Rejections - 35 USC § 103

Claims 2, 4, 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Storm et al. (US 6,016,312) in view of Yu et al. (US 6,735,454).

Applicants respectfully traverse this rejection based on the argument presented above.

Claims 2, 4, 5 are believed allowable.

Claim 45 was rejected under 35 U.S.C. 103(a) as being unpatentable over Storm et al. (US 6,016,312) in view of Nogawa (US 6,147,530).

Applicants respectfully traverse this rejection; Nogawa does not disclose “an average of the number of rising and falling edges of the reference clock”. After the paragraph cited by the Examiner which states “measures the period”, Nogawa clarifies that “If the period between the rising edges or between the falling edges is measured independently....” (Col 13, L 34 – 45), “the edge period thus measured, that is, pulse width data” (Col 13 L. 50). Therefore, Nogawa is getting a period value between edges; Nogawa is not counting and averaging the number of edges itself.

Further, there is no incentive to combine Nogawa with Storm based on the argument presented in the Introductory Section. Also, Nogawa is not in the same field of endeavor since Nogawa has a generic PLL circuit, moreover, for a “digital recording and reproducing device” Col. 1 L. 5 – 20, and not for a communications system.

Therefore, Claim 45 is believed allowable.

Claim 47 was rejected under 35 U.S.C. 103(a) as being unpatentable over Storm et al. (US 6,016,312) in view of Yu et al. (US 6,735,454) and further in view of Chung et al. (US 5,642,377)

Applicants respectfully traverse this rejection based on the argument presented in the introductory section. Since there is no incentive to combine Yu with Storm, there is definitely no incentive to combine Chung with Storm because an IIR filter is often difficult to implement. Claim 47 is believed allowable. A new dependent claim is added as described below.

Allowable Subject Matter

Claims 6 – 15, 17 – 44, 49 were allowed. Applicants thank the Examiner.

Claims 46 and 48 would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner.

New Claims

New dependent Claim 50 recites the averaging of rise and fall edges, such as found in Claim 11 originally submitted. No new matter is introduced. It is believed the limitation overcomes the Nogawa reference as explained above.

Respectful request is made for reconsideration of the application, as amended, and for an issuance of a Notice of Allowance. Any missing fees may be charged to deposit account 20-0668.

Respectfully submitted,

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